

REMARKS

In response to the outstanding Office Action, dated November 13, 2009, Applicants have carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

The courtesy of the Examiner in granting applicant's representatives an interview on January 5, 2010 is acknowledged with sincere appreciation.

Claims 1 and 6 have been amended.

Claims 1-4 and 6-23 remain in the application for reconsideration by the Examiner.

The specification has been amended for clarity.

No new matter has been added.

Reconsideration of the application, as amended, is respectfully requested.

35 U.S.C. § 112

The Examiner has rejected Claims 1-4 and 6-23 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. During the telephone interview with the Examiner on January 5, 2010, the Examiner suggested amending the claims to positively recite a structural configuration of the spreading and lifting cams relative to the first locking means. Accordingly, Claim 1 has been amended to recite (underlining added):

1. A container and closure combination comprising:

a container including a bottom wall, an associated side wall defining a hollow interior, a finish having an outer surface and an inner surface, the finish providing communication with the hollow interior and having a central axis, and a first locking means on the outer surface of the finish;

a spreading cam and a lifting cam disposed on the outer surface of the finish, wherein at least one of the spreading cam and the lifting cam is adjacent the first locking means; and

a closure to cover the finish of said container including a second locking means cooperating with the first locking means of said container, said closure having a central axis, whereby upon relative rotational movement of said closure and said container, the spreading cam causes the first locking means of said container and the second locking means of said closure to flex away from one another transversely of the central axis of said container and said closure and the lifting cam causes relative axial motion of said container and said closure generally parallel to the central axis of said container and said closure to effectively separate said closure from the finish of said container.

Claim 1 has been amended to positively recite the structural limitation of, "a spreading cam and a lifting cam disposed on the outer surface of the finish, wherein at least one of the spreading cam and the lifting cam is adjacent the first locking means"

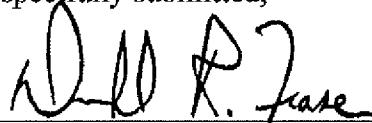
The specification provides a proper antecedent basis for the claimed subject matter. Claim 1, as amended, distinctly defines the Applicants' invention and distinguishes the same from the prior art of record. Additionally, Claims 2-4 and 6-23 depend, directly or indirectly, from Claim 1 and contain all the limitations thereof. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 1-4 and 6-23 under 35 U.S.C. §112 and issue a formal Notice of Allowance.

The other references cited by the Examiner, but not applied, have been studied and are not considered to be any more pertinent than the references relied upon by the Examiner.

In view of the amendments to the Claims and the above arguments, the Applicants believe that the Claims of record now define patentable subject matter distinguishable over the art of record and have a proper antecedent basis in the specification. Accordingly, a Notice of Allowance is respectfully requested.

While the Applicants' attorney has made a sincere effort to properly define Applicants' invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the Applicants' attorney in a sincere effort to expedite the prosecution of the application.

Respectfully submitted,



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